

## **GENERAL ORDINANCES**

### **ARTICLE THREE- PUBLIC PARKS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF LAKE PARK**

The General Ordinance provisions are enacted by the Village of Lake Park pursuant to North Carolina General Statute Section 160A-174 for purposes of defining, prohibiting, regulating or abating acts, omissions, or conditions which are detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the village.

#### **SECTION ONE- DEFINITIONS**

(A) **General Rule-** Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) For the purposes of this Article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PARK.** Any park, reservation, playground or any other area or structure within the corporate limits of the Village which is owned, leased or used by the Village and devoted to active or passive recreation.

**VEHICLE.** Any wheeled conveyance, whether motor-powered, animal drawn or self-propelled excluding wheelchairs and similar vehicles, baby carriages and vehicles in the service of or acting at the direction of the Village.

#### **SECTION TWO- PROHIBITIONS**

(A). **Buildings and other property.** No person in a park shall:

- a. Mark, deface, disfigure, adulterate, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, fountains, ponds or other bodies of water, public utilities, public utility equipment, fences, signs, notices or placards, receptacles, monuments, stakes, posts or other boundary makers, or any other structures, improvements, facilities or park property which is either real or personal property.

- b. Dig or remove any soil, rock or stones, or any trees, shrubs, plants, plantings, grass, down-timber or other wood or materials.
- c. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character.

**(B). Trees, shrubbery and lawns. No person in a park shall:**

- a. Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant.
- b. Attach any rope, wire or other contrivance to any tree or plant.
- c. Attach, tie or hitch an animal to any tree or plant.
- d. Climb, stand, sit upon monuments, vases, fountains, railings, fences, trees or upon any other property not designated or customarily used for such purposes.

**(C). Wild Animals, waterfowl or birds. No person in a park shall:**

- a. Hunt, molest, harm, frighten, kill, feed, trap, chase, tease, shoot or throw projectiles at any animal, reptile, bird or waterfowl of any nature.
- b. Remove or possess the young, eggs or the nest of any animal, reptile, bird or waterfowl of any nature, except that of snakes known to be deadly poisonous, such as rattlesnakes, moccasins, coral snakes or other deadly reptiles may be killed on sight.
- c. Give or offer or attempt to give to any animal, bird or waterfowl of any nature any tobacco, alcohol or other know noxious substances.
- d. Place or cause to be placed in any park any animal, fish, reptile, bird, waterfowl of any nature or plant of any kind.

**(D). Sanitation. No person in or from the outside of a park shall:**

- a. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond or other body of water in or adjacent to any park any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.**
- b. Discharge, place or cause to be placed any oil, petroleum product or chemical of any kind or sort in or within any drainage easement, storm water receptacle or like location which will or may result in the pollution, regardless of degree, of any pond or other body of water in or adjacent to any park.**
- c. Dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash anywhere on or in the park, except that such matter may be placed in proper receptacles where provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly dispose of elsewhere.**

**(E). Traffic. No person in a park shall:**

- a. Drive any vehicle on any area except the paved portion of the park roads or parking areas or such other areas as may on occasion be specifically designated as temporary parking areas by the Parks and Recreation Commission of the Village.**
- b. Park a vehicle in other than an established or designated parking area and such use shall be in accordance with the posted directions and with the instructions of any police officer or other duly designated agent of the Village who may be present.**
- c. Operate any all-terrain vehicle, trail bike, go-cart, motorcycle of any type or mini-bike at any location within any park other than such places, if any, as are specifically designated for such purpose by the Parks and Recreation Commission of the Village.**
- d. Ride a bicycle on other than the right-hand side of a paved vehicular road or path designated for that purpose or fail to keep in single file when two or more bicycles are operated as a**

group. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

**(F). Recreational activities. No person in a park shall:**

- a. Swim, bathe, wade or ice skate in or on any waters in or adjacent to any park.
- b. Bring into or operate any boat, raft, jet-ski or other watercraft, whether motor-propelled or not, upon any waters.
- c. Take part in or abet the playing of any games or activities involving thrown, or otherwise propelled, injurious objects such as stones, arrows, javelins or spears unless otherwise permitted to do so by the Parks and Recreation Commission of the Village or its designee.
- d. Take part in or abet in the use of any model airplane which is powered by means of combustion, which has a propeller length of greater than nine(9) inches or which has a total wingspan of greater than 30 inches in length.
- e. Ride a horse or other animal.

**(G). Behavior. No person in a park shall:**

- a. Consume or possess any malt beverage or unfortified wine or spirituous liquor, as defined in N.C.G.S. Chapter 18b.
- b. Possess, use or consume any illegal drugs or be under the influence of any illegal drugs while in a park.
- c. Build or attempt to build a fire, or throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material.
- d. Lie or sleep in a prone position on seats, tables or benches.
- e. Disturb or interfere with the activities of any other person occupying an area of a park with the intent to disrupt the activities of the other person. Such intent can be inferred from

a request of the person disturbed for the person or persons to cease the disruption.

f. Take any dog of which the person has ownership, possession, charge, control or custody of into or allow the dog to enter any park without being at all times under the restraint of a leash, except while in designated off-leash areas. This subsection shall not apply to the following:

1. Parks that have been designated as leash-free parks by the Parks and Recreation Commission.

2. Guide or hearing-aid dogs that are in the company of blind or deaf persons or being trained for such purposes.

3. Dogs employed or hired by law enforcement agencies or by the Parks and Recreation Commission to perform a governmental purpose within the park.

g. Fail to remove feces deposited by any dog of which the person has ownership, possession, charge, control or custody.

(H). Merchandising, advertising and signs. No person in a park shall:

- a. Expose, offer for sale or advertise any article or service, except regularly licensed concessionaires acting by and under the authority and regulation of the Parks and Recreation Commission of the Village or its designee.

- b. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, except as authorized by the Parks and Recreation Commission of the Village. This provision shall not apply to the regular practices of the Village to post and notify its citizens of upcoming public meetings, hearings and other official business of the Village.

- c. Solicit contributions for any purpose whether public or private, except charitable solicitations specifically approved by the Parks and Recreation Commission of the Village or its designee.



**(I). Exceptions.** A person, organization, group or other entity may be excepted from the prohibitions set forth herein upon applying for and obtaining a permit pursuant to Section Three herein below so long as the issuing permit specifically excepts the prohibited action from application during the time period for which the permit has been issued. All prohibitions set forth herein will remain in full force and effect during the permit period unless specifically excepted pursuant to this section.

### **SECTION THREE- PARK OPERATION**

**(A).** The hours of operation of all parks within the corporate limits of the Village of Lake Park shall be set by the Parks and Recreation Commission of the Village and such hours will be posted or available at the Village office.

**(B).** The opening or closing of any park shall be left within the discretion of the Parks and Recreation Commission of the Village.

**(C).** Any section or part of any park may be declared closed to the public at any time by the Parks and Recreation Commission of the Village and for any interval of time.

**(D).** Any section or part of any park may be restricted to certain uses or hours of availability as determined by the Parks and Recreation Commission of the Village.

**(E).** A permit shall be obtained from the Parks and Recreation Commission of the Village before participating in any park activity which the Parks and Recreation Commission shall from time to time designate as requiring such a permit.

1. A person seeking issuance of a permit under this subsection shall file an application with the Parks and Recreation Commission of the Village. The application shall state and/or include the following:

- a. The name and address of the applicant.
- b. The name and address of the person, corporation or association sponsoring the activity, if any.
- c. The day and hours for which the permit is desired.
- d. The park or portion thereof for which such permit is desired.

- e. An estimate of the anticipated attendance.
- f. A copy of any certificate of insurance held by the applicant.
- g. Any other information which the Parks and Recreation Commission shall find reasonably necessary to a fair determination as to whether a permit should issue under this subsection.

**2. The Parks and Recreation Commission of the Village shall issue a permit when it is found that:**

- a. The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
- b. The proposed activity or use will not unreasonably interfere with or detract from the promotion of the public health, welfare, safety and recreation.
- c. The proposed activity or use will not entail unusual, extraordinary or burdensome expense or operation by the Village.
- d. The proposed activity or use is not reasonable anticipated to incite violence, crime or disorderly conduct.
- e. The facilities desired have not been reserved for use at the date and hour required in the application.

**3. An applicant and all those participating in a permitted event, activity or use shall be bound by all park rules and regulations and all applicable ordinances fully as though the rules and regulations were inserted within the permit.**

**4. The Parks and Recreation Commission of the Village or their designee shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.**

5. The Parks and Recreation Commission of the Village shall have the authority to deny the issuance of a permit upon consideration and determination that the requested activities or uses involve risks and potential liabilities to the Village which are not in the best interests of the Village to allow within its borders. This consideration and determination shall include the review of any certificates of insurance provided by the applicant wherein the Village is designated as an additional insured for the requested event/activity/use or the execution of an acceptable release and waiver signed by the applicant(s) and its participants holding the Village harmless from any liability associated with the event/activity/use. The Parks and Recreation Commission of the Village shall have the authority to determine if the provision of a certificate of insurance, release or waiver will provide adequate protection to the Village and may require the execution or provision of additional documents before issuance of a permit.

6. The Parks and Recreation Commission of the Village shall establish a fee schedule for the use of the parks and park facilities subject to the approval of the Village Council.

7. The Parks and Recreation Commission of the Village shall have the authority to implement any other policies and procedures deemed necessary for the use and enjoyment of the parks within the Village consistent with the provisions of this ordinance and the resolution of the Village creating the Parks and Recreation Commission.

#### **SECTION FOUR- ENFORCEMENT**

(A). The Village of Lake Park shall request that local law enforcement administer and enforce the terms of this Article and shall have the authority to eject from any park for an indefinite period of time any person acting in violation of this article or any section of this Code or any law of the State. Nothing in this Chapter shall be construed to limit the legal authority or powers of local law enforcement in enforcing other laws or in otherwise carrying out their duties. Any person ejected indefinitely pursuant to this subsection shall only be allowed to re-enter any park of the Village upon request and approval of the Parks and Recreation Commission of the Village.

(B). When there is a violation of any section of this article, punishment will be as is provided for in North Carolina General Statute Section 14-4. The maximum fine for a violation shall be \$100.00.

(C). The Parks and Recreation Commission of the Village or its designee in their sole discretion are granted the authority to remove any animal, fish, reptile, bird, waterfowl of any nature or plant of any kind which is within any park and place such in any suitable alternative location outside the corporate limits of the Village.



## **SECTION FIVE- CONFLICT OF LAWS**

(A). If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect.

(B). If there is any conflict between the provisions of this ordinance and the rules and regulations promulgated by the Parks and Recreation Commission of the Village then, in that event, the terms of this ordinance shall control. Any such conflict shall not operate to invalidate the rest of the ordinance or the rules and regulations promulgated by the Parks and Recreation Commission.

## **SECTION SIX- SEVERABILITY**

If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

**This Ordinance shall be effective upon its adoption by the Village Council.**

**Adopted this the eighth day of February 2005.**

**Signed this the 10th day of February 2005.**

**As amended the 8<sup>th</sup> day of November 2005.**



  
**Mayor John H. Ross**

**Attested:**

  
**Cheri S. Clark, Village Clerk**

## **ORDINANCE TO AMEND ARTICLE THREE- PUBLIC PARKS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF LAKE PARK, OF THE GENERAL ORDINANCES OF THE VILLAGE OF LAKE PARK**

**BE IT ORDAINED** by the Village Council of the Village of Lake Park, North Carolina that Article Three- Public Parks within the Corporate Limits of the Village of Lake Park, of the General Ordinances of the Village of Lake Park be amended as follows:

Section Two- Prohibitions, Subsection (C) shall be entitled from the effective date of this amendment as follows:

(C). Animals, birds or plants. No person in a park shall:

Section Two- Prohibitions, Subsection (C) d shall be amended and read from the effective date of this amendment as follows:

- d. Intentionally or accidentally, in either a temporary or permanent manner, introduce, release, abandon, stock, place or cause to be placed any animal, fish, reptile, bird or plant specimen of any type or kind in or on park property.

Section Two- Prohibitions, subsection (F) f shall be added and read from the effective date of this amendment as follows:

- f. Fish in any pond without having first obtained a permit to do so from the Parks and Recreation Commission of the Village of Lake Park. All permits to fish in any pond must be carried and/or displayed openly when fishing and all regulations established by the Parks and Recreation Commission associated with fishing in any pond shall be followed.

Section Two- Prohibitions, subsections (G) h and i shall be added and read from the effective date of this amendment as follows:

- h. Enter or remain in a park at any time which is not designated as an hour of operation. This provision is excepted when a park is being utilized for an activity being held by the Village of Lake Park or authorized by any other exception set forth herein.
- i. Enter or remain in a park when the park has been designated as closed.

Section Four- Enforcement, subsection A shall be amended and read from the effective date of this amendment as follows:

(A). The Village of Lake Park shall request that local law enforcement administer and enforce the terms of this Article and shall have the authority to eject from any park for an indefinite period of time any person acting in violation of this Article or any section of this Code or any law of the State or Federal Government. Nothing in this Chapter shall be construed to limit the legal authority or powers of local law enforcement in enforcing other laws or in otherwise carrying out their duties. Any person ejected indefinitely pursuant to this

subsection shall only be allowed to re-enter any park of the Village upon request and approval of the Parks and Recreation Commission of the Village. The Village of Lake Park reserves the right to enforce the provisions of Section Two- Prohibitions, subsection (C) d referred to herein above by the removal of such animal, bird or plant which the Village or its designee determines to be detrimental to the health, safety and welfare of its citizens and property or to the peace and dignity of the Village.

Section Four- Enforcement, subsection B shall read from the effective date of this amendment as follows:

(B). A warning, either verbal or written, shall be issued upon a first incident. A citation for a second or subsequent violation may be issued. Nothing in this Chapter shall be construed to limit the legal authority or powers of local law enforcement in enforcing other laws or in otherwise carrying out their duties.

Section Four- Enforcement, subsections (C), (D) and (E) shall be added and read from the effective date of this amendment as follows:


(C). A civil penalty may be waived as to any first-time violator of Section Two- Prohibitions, subsection F (f) referred to herein above upon presentation of evidence that the violator has purchased or procured a permit authorizing the activity and demonstrating the intention of complying with the terms and conditions of this Ordinance.

(D). Each and every violation shall be a separate and distinct offense.

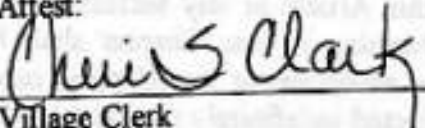
(E). Violations of this ordinance shall not be punishable as criminal violations. Violations of this ordinance shall subject the person cited or those otherwise responsible for the person to a civil penalty in the amount of \$50.00 upon the issuance of a citation. If a citation is issued for a violation of this ordinance by a minor child, the minor child's parent or guardian shall be responsible for the payment of the penalty. The civil penalty shall be paid within 48 business hours of its issuance as directed upon the citation form. The failure to pay the penalty shall authorize the Village to initiate civil action against the person or those otherwise responsible for the person to establish a debt to the Village.

ADOPTED THIS THE 10 DAY OF October, 2006.



  
John Ross, Mayor

Attest:

  
Village Clerk